

Attachment A: Statement of Facts

From in or about April 2014 and continuing until at least September 2015 (the “Relevant Period”), Rising was a corporation organized and existing under the laws of Delaware and had its principal place of business in Saddle Brook, New Jersey. During the Relevant Period, Rising was a generic pharmaceutical company engaged in the acquisition, licensing, production, marketing, sale, and distribution of generic pharmaceutical products, including Benazepril HCTZ, was engaged in the sale of that drug in the United States, and employed more than 50, but fewer than 200 individuals.

During the Relevant Period, COMPANY A was a generic pharmaceutical company with its principal place of business in New Jersey. COMPANY A was engaged in the acquisition, licensing, production, marketing, sale, and distribution of generic pharmaceutical drugs, including Benazepril HCTZ, and was engaged in the sale of those drugs in the United States.

Benazepril HCTZ is a generic drug used in the treatment of hypertension. During the Relevant Period, Rising sold and distributed Benazepril HCTZ in tablet form in three dosage strengths and sold approximately \$15 million worth of Benazepril HCTZ in the United States. During the Relevant Period, Rising, through its employees, including its high-level personnel, knowingly entered into and engaged in a conspiracy with COMPANY A and various individuals to suppress and eliminate competition by agreeing to allocate customers for and to stabilize, maintain, and fix prices of Benazepril HCTZ sold in the United States.

To further the conspiracy, Rising, through its employees, including high-level personnel, engaged in discussions with co-conspirators involved in the production and sale of Benazepril HCTZ. During these discussions, agreements were reached to allocate customers for and to stabilize, maintain, and fix prices of Benazepril HCTZ sold in the United States. The conspiracy engaged in by Rising and its co-conspirators was a *per se* unlawful, and thus unreasonable, restraint

of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). During the Relevant Period, Rising and its co-conspirators sold substantial quantities of Benazepril HCTZ to customers affected by the offense charged herein located in various states in the United States. In addition, payments from affected customers for Benazepril HCTZ sold by Rising and its co-conspirators traveled in interstate trade and commerce. During the Relevant Period, the activities of Rising and its co-conspirators with respect to the sale of Benazepril HCTZ were within the flow of, and substantially affected, interstate trade and commerce. Benazepril HCTZ was sold by one or more of the conspirators to customers in this District and acts in furtherance of this conspiracy were carried out within the Eastern District of Pennsylvania.